

REMARKS

By this amendment, Claims 1, 17–20, 29–35 are amended. Claims 4–6 were canceled by a previous amendment, and Claims 25 and 28 are canceled by this amendment. Claims 36–47 are added. Hence, Claims 1–3, 7–24, 26–27, and 29–47 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

Each issue raised in the Office Action mailed December 13, 2007, is addressed hereinafter.

I. ISSUES NOT RELATING TO ANY CITED PRIOR ART

A. CLAIM 27 — INDEFINITE UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claim 27 is rejected under 35 U.S.C. § 112, second paragraph, for being allegedly indefinite because the term “proper” is a relative term. The rejection is respectfully traversed.

A claim term that is not used or defined in the specification is not indefinite if the meaning of the claim term is discernible. *Bancorp Services, L.L.C. v. Hartford Life Ins. Co.*, 359 F.3d 1367, 1372, 69 USPQ2d 1996, 1999-2000 (Fed. Cir. 2004); MPEP 2173.02. The Office action interprets the term “proper” improperly because a person of ordinary skill in the art would understand that the whole claim term as recited in Claim 27 comprises not merely the word “proper,” but instead, the phrase “proper subset.” A person of ordinary skill in the art would also understand the well-recognized meaning and scope of the whole term “proper subset,” as used in Claim 27. Based on the foregoing reasons, the reconsideration is respectfully requested.

B. CLAIM 33 — NON-STATUTORY SUBJECT MATTER UNDER 35 U.S.C. §

101

Claim 33 is rejected under 35 U.S.C. § 101 for being allegedly directed to non-statutory subject matter. Present Claim 33 is in a form that complies with all statutory requirements.

Reconsideration is respectfully requested.

II. ALLOWABILITY OF CLAIMS 25, AND 28–32

Applicant appreciates the indication in the Office action that Claims 25, and 28–32 would be allowable if rewritten in independent form including all the features of the base claims. The allowability of Claim 25 has been rendered moot in light of the canceled claim.

III. ISSUES RELATING TO CITED PRIOR ART—CLAIMS 1, 7–12, 16–24, 26–27, and 33–35—WOLFF in view of COUGHLIN

Claims 1, 7–12, 16–24, 26–27, and 33–35 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,185,601 issued to *Wolff*, et al. (“*Wolff*”), in view of U.S. Patent Applic. No. 2004/0024861, by *Coughlin* et al (“*Coughlin*”). Based on the arguments presented below, the rejections are respectfully traversed.

Present Independent Claim 1 recites all the features of Claim 28, which has been indicated by the Office Action as allowable if rewritten in independent form. Based on the foregoing reason, it is respectfully submitted that Claim 1 is allowable over *Wolff*, in view of *Coughlin*, for at least the same reasons as those for Claim 28.

Independent Claims 33–35 recite features similar to those recited in Claim 1, except in the form of computer-readable storage medium, means-plus-function, and apparatus claims. It is respectfully submitted that Claims 33–35 are allowable over *Wolff*, in view of *Coughlin*, for at least the same reasons given for Claim 1.

Each of the dependent claims remaining to be discussed depends (directly or indirectly) on Claim 1. Each of the dependent claims is therefore allowable for at least the reasons given above with respect to Claim 1. In addition, each of the dependent claims introduces one or more additional features that independently render it patentable. Due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of the features of the dependent claims is not included at this time. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

IV. NEW CLAIMS

New dependent Claims 36–47 recite features similar to the features recited in the dependent claims discussed above, except in the form of computer-readable storage medium, means-plus-function, and apparatus claims. In particular, features recited in Claims 36–47 draw directly from features recited in Claims 2, 3, 13 and 16–21. Accordingly, it is respectfully submitted that Claims 35–47 are allowable over the cited art for at least the reasons given with respect to Claims 2, 3, 13 and 16–21.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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